

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL ACTION</b>
	:	
	:	<b>No. 18-542</b>
<b>v.</b>	:	
	:	
<b>JOHN KELVIN CONNER</b>	:	
	:	

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**ORDER**

This 18<sup>th</sup> day of January, 2019, following a hearing in open court, it is hereby **ORDERED** that the Government’s Motion *in limine* to Admit Prior Sworn Testimony is **GRANTED**.

Defendant has stipulated that the witness in question is “unavailable” as that term is used by Federal Rule of Evidence 804 (a) (4) because of her physical condition. Having reviewed the transcript of the prior proceeding in which the witness gave sworn testimony, and having carefully considered the arguments of counsel, I am persuaded that in conducting cross examination of the witness during that proceeding Mr. Connor had a motive similar to the motive he would have in this case, and that he had an adequate opportunity to conduct such cross-examination.

/s/ Gerald Austin McHugh  
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Gerald Austin McHugh  
United States District Judge